

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Figures 2 and 6 are objected to in the pending Office action. Appropriate corrections have been made to Figures 2 and 6 in the attached replacement drawing sheets. The other figures are unchanged in the attached replacement sheets.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier. Claims 10, 13, 20 and 25 are amended. After amending the claims as set forth herein, claims 1-25 are now pending in this application.

Claims 1-25 stand rejected over the prior art of record. To the extent that these rejections are applied to the claims, as presently amended, the rejections are respectfully traversed.

Independent Claims 1, 17, 21 and 22

Each of the independent claims pending in the application, including claims 1, 17, 21 and 22, require that at least two keys be depressed simultaneously to release the keypad inlay from the housing. This limitation is not taught or suggest by the prior art of record, and therefore, patentably defines over the prior art.

As the Examiner notes in the pending Office action, neither Spence (U.S. Patent No. 6,488,425) nor Miyashita (U.S. Patent No. 6,909,906) teaches or suggest this feature. The Examiner asserts that Helin et al. (U.S. Patent No. 6,055,439) provides this teaching in Column 4, lines 46-64. Applicant respectfully disagrees.

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Helin et al. does not teach or suggest depressing at least two keys to release the keypad inlay from the housing.

Helin et al. does not teach performing any function by simultaneously depressing at least two keys. In the cited passage, Helin et al. teaches that an individual key may be assigned “alternative meanings,” depending upon the operational state of the interface. Examples of such “alternative meanings” are provided in the preceeding paragraph, such as the END button, which terminates a call when pressed in the conversation state and deletes a character in another state (see Column 4, lines 28-45). Helin et al. does not, however, teach or suggest any functions performed by simultaneously depressing multiple keys.

In view of the foregoing, claims 1, 17, 21 and 22 are patentable over the cited prior art. Therefore, withdrawal of the prior art rejection of these claims is respectfully requested.

Claims 2-16, depend from claim 1, claims 18-20 depend from claim 17 and claims 23-25 depend from claim 22. Therefore these claims are also patentable over the prior art for the reasons set forth above. Therefore, withdrawal of the prior art rejection of these claims is also respectfully requested.

Claim 9

Claim 9 specifies that one of the buttons is located on the right side of the housing or keypad inlay and that the other button is located on the right side of the housing or keypad inlay. The Examiner cites In re Japikse, 86 USPQ 70, 181 F.2d 1019 (CCPA 1950), in support of the assertion that locating the buttons or keys differently than taught or suggested by the prior art is merely “rearrangement of parts” which “involves only routine skill in the art.”

In Japikse, the CCPA held that there was “no invention” in moving a starting switch on a hydraulic press from one location to another *since the operation of the device would not thereby be modified*. 181 F.2d at 1023 (emphasis added). Stated another way, the limitation that specified the position of the starting switch in Japikse did not patentably define over the prior art because the position did not appear to provide no functional benefit. In contrast, the relative location of the keys and buttons required to release the keypad inlay does provide an important functional benefit for the present invention. Specifically, locating one of the buttons or keys required to release the keypad inlay on the left side of the device and another on the right side of the device reduces the likelihood of accidental release of the keypad inlay. Therefore, this limitation further patentably defines claim 9 over the prior art of record.

Claims 10, 13, 20 and 25

Claims 10, 13, 20 and 25 have been clarified to specify that simultaneous off-center depression of the buttons (in claims 10 and 20) or keys (in claims 13 and 25) is required to release the keypad inlay. As explained in paragraph [0034] of the present application, the purpose of this feature is to prevent accidental release of the keypad inlay when the central portions of the buttons or keys are depressed (which is more commonly associated with activating the interface-related function(s) of the buttons or keys). This feature is not taught or suggested by the prior art of record, and therefore, further patentably defines these claims over the prior art.

Claim 14

Claim 14 requires that the “means for securing the keypad inlay to the front side of the housing are not visible when the keypad inlay is attached to the housing.” The Examiner asserts that this feature is taught by Mark et al. (U.S. Publication No. 2002/0082042). Applicants respectfully disagree.

Mark et al. specifies, in paragraph [0020], that the engagement mechanism 24 “engage[s] the sidewalls 10A, and possibly the top surface 10B, of the body 10 of the keypad module 11.”

This passage clearly establishes that the engagement mechanism 24 would be positioned on the outside of the keypad module 11 when it is connected to the body 10. Therefore, this limitation further patentably defines claim 14 over the prior art of record.

Conclusion

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if a telephone interview would advance prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No 50-3841. If proper payment is not enclosed herewith, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-3841. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-3841.

Respectfully submitted,

By: /Damon A. Neagle/

Damon A. Neagle
Attorney for Applicant(s)
Reg. No. 44,964

Date: April 26, 2006

DESIGN IP, P.C.
Telephone: (610) 396-4900
Facsimile: (610) 680-3312